

PUBLIC HEALTH ACT, S. Nu. 2016, c. 13

ORDER RESPECTING SOCIAL DISTANCING AND GATHERINGS #5

WHEREAS:

- A. The Minister of Health has declared a Public Health Emergency in Nunavut effective March 20, 2020 to address the novel coronavirus COVID-19 pandemic, and this declaration has been renewed on April 3, 2020, April 17, 2020, May 1, 2020, May 15, 2020, May 29, 2020, and June 12, 2020;
- B. Pursuant to section 41(1) of the *Public Health Act* (“the Act”) the Chief Public Health Officer may take certain actions, including issuing directions or orders for the purposes of protecting the public health and preventing, remedying or mitigating the effects of the public health emergency:

THEREFORE, the Chief Public Health Officer hereby orders the following:

- 1. The Order Restricting Social Distancing and Gatherings (#4) issued June 15, 2020 is rescinded and replaced by this Order.

Social Distancing

- 2. Pursuant to subsection 41(1)(g) of the Act:
 - a. All persons in Nunavut must maintain social distancing of two (2) metres wherever it is safe and practical to do so, except inside dwellings and between immediate family members.
 - b. Subject to specific closures or limitations as ordered by the Chief Public Health Officer, all not-for-profit and for-profit businesses and organizations operating or carrying on business in Nunavut may open for business but must implement social distancing of two (2) metres within these workplaces.
 - c. Subject to specific closures or limitations as ordered by the Chief Public Health Officer, any not-for-profit or for-profit business or organization carrying on business in Nunavut that cannot, due to its physical size, maintain the social distancing requirement set out in clause 2 (b) must

limit the number of customers or clients on its premises to no more than five (5) persons at a time.

- d. The five-person limit referred to in clause 2 (c) does not apply to businesses and organizations who can maintain social distancing requirements, including without limitation grocery stores, pharmacies, Canada Post Corporation post offices, fuel and motor vehicle service stations, and financial institutions.
- e. The social distancing requirements set out in clause 2 (b) and the five-person limit set out in clause 2 (c) do not apply to the following entities:
 - i. The Legislative Assembly, subject to the directions of the Speaker;
 - ii. Licensed Premises and Food Services Establishments subject to the Communicable Disease Order effective June 22, 2020;
 - iii. Institutions as defined by the Act;
 - iv. Hospitals and health centres designated under the *Hospital Insurance and Health and Social Services Administration Act* and the *Mental Health Act*;
 - v. Any Court operating essential services, subject to the directions of the Chief Justice of the applicable Court;
 - vi. Homeless shelters;
 - vii. Food banks;
 - viii. Home and community care programs operated by the Department of Health;
 - ix. Government of Nunavut offices and the offices of Nunavut public agencies listed in Schedules A, B, and C of the *Financial Administration Act*, subject to guidelines and directions issued by the Workers Safety and Compensation Commission;
 - x. Workplaces where the employer has limited access to essential workers and implemented a remote-work program for non-essential workers, subject to guidelines and directions issued by the Workers Safety and Compensation Commission;

- xii. Construction sites, subject to guidelines and directions issued by the Workers Safety and Compensation Commission;
 - xiii. Public swimming pools, gymnasias, and fitness centres, subject to specific guidelines and directions issued by the Chief Public Health Officer;
 - xiii. Licensed child day care facilities as defined in the *Child Day Care Act*.
- f. In addition and for greater clarity, the social distancing requirements set out in clause 2 (b) and the five-person limit set out in clause 2 (c) do not apply to private motor vehicles and the following entities, organizations, and individuals:
 - i. The Royal Canadian Mounted Police;
 - ii. Canada Border Services Agency;
 - iii. The Canadian Armed Forces;
 - iv. Municipal Enforcement Officers;
 - v. Other law enforcement officers appointed pursuant to a law of Nunavut or Canada;
 - vi. Child Protection Workers when acting in the course of their duties;
 - vii. Employees of the Nunavut Department of Justice Corrections Division and Correctional Service of Canada when acting in the course of their duties;
 - viii. Municipal Fire and Emergency Services;
 - ix. Emergency medical responders, including air ambulance (medevac) crews;
 - x. Persons, including volunteers, engaged in search and rescue activities;
 - xi. Electrical generation facilities operated by Qulliq Energy Corporation;

- xii. Municipal utilities such as water, wastewater, and stormwater;
- xiii. Maintenance of public utilities and government facilities;
- xiv. Essential maintenance of buildings, including dwellings;
- xv. Employees or contractors of the Nunavut Housing Corporation, a local Housing Authority, or a local Housing Society performing essential maintenance of public housing and staff housing;
- xvi. Road maintenance and repair;
- xvii. Airports;
- xviii. Solid waste collection and disposal;
- xix. Individuals engaged in delivery services for food, medicine, and other goods;
- xx. Facilities operated by the Nunavut Liquor and Cannabis Commission;
- xxi. Employees and contractors of the Parks Canada Agency operating in national parks, national park reserves, and national historic sites of Canada;
- xxii. The Member of Parliament for Nunavut, the Senator for Nunavut, and Members of the Legislative Assembly conducting official or constituency business;
- xxiii. Chiropractors, Dentists, Massage Therapists, Psychologists, and Veterinarians providing in-person services in accordance with this Order;
- xxiv. Life guards working at public swimming pools;
- xxv. Security personnel working at a location listed in paragraph 3 (e) (ii), (iii), (iv), and (xi);
- xxvi. Personal service providers providing in-person services in accordance with this Order; and

xxvii. Taxi operators collecting more than one fare during a single trip, provided:

1. That the first fare-paying passenger consents to the operator taking on multiple fares during a single trip;
2. That the driver and all passengers wear non-medical masks for the duration of the trip;
3. That the driver carries a supply of disposable non-medical masks for passenger use; and
4. That no driver may refuse to accept a fare on the sole basis that the passenger does not consent to the driver taking on multiple fares.

- g. All providers of chiropractic treatments and massage therapy may open for business.
- h. All other providers of personal services as defined in the Act may open for business, provided that appropriate personal protective equipment is available for staff and customers upon request.
- i. Dental practitioners licensed under the *Dental Profession Act* may open for business, subject to guidelines and directions provided by the Chief Dental Officer.
- j. Veterinary practitioners licensed under the *Veterinary Profession Act* may open for business.
- k. Psychologists licensed under the *Psychologists Act* may open for business for in-person appointments and may provide virtual services within their scope of practice.
- l. Licensed child day care centres as defined in the *Child Day Care Act* may open for regular business subject to specific limitations as ordered by the Chief Public Health Officer or directed by the Minister responsible for the *Child Day Care Act*.

- m. Public Libraries as defined in the *Library Act*, libraries operated by Nunavut Arctic College, museums, and galleries may open for individual and family visits, but may not provide group tours or gatherings.
- n. Public swimming pools may open for lane swimming, but all saunas and hot tubs must remain closed.
- o. Public gymnasias and fitness centres may open for individual workouts, but must not offer group workouts such as fitness classes.
- p. Theatres may open for business, subject to the social distancing requirements set out in paragraph 2 (a) and the limits on public gatherings set out in paragraph 6.
- q. Places of worship, including but not limited to churches, mosques, and synagogues may open for in-person services, subject to the social distancing requirements set out in paragraph 2 (a) and the limits on public gatherings set out in paragraph 6.
- r. All persons shall maintain a distance of at least two (2) metres apart from any other person while in public, excepting members of their immediate household.

Gatherings

- 3. All public playgrounds, municipal parks, territorial parks, and territorial park reserves may open for outdoor activities. All park buildings must remain closed to the public.
- 4. All national parks and national park reserves as defined in the *Canada National Parks Act* and national historic sites of Canada listed in the *National Historic Sites of Canada Order* may open subject to any applicable orders and directions issued by the Minister responsible for the Parks Canada Agency.
- 5. All long-term care facilities, continuing care centres, and medical boarding homes are closed to visitors and movement of residents shall be restricted to the facilities and grounds, except as authorized by the Chief Public Health Officer.
- 6. All organized public gatherings shall be restricted to:
 - a. For outdoor gatherings, no greater than twenty-five (25) persons; and

- b. For indoor gatherings, no greater than:
 - i. Five (5) persons, where the gathering is in a dwelling;
 - ii. Five (5) persons, where the gathering is at any place other than a dwelling, food service establishment, or licensed premises under the *Liquor Act*; and
 - iii. For Food Service Establishments and Licensed Premises under the *Liquor Act*, fifty per cent (50%) of the rated capacity for the facility as established by the Office of the Fire Marshal.
- 7. For greater certainty, an organized public gathering as set out in clause 5 includes:
 - a. Concerts;
 - b. Community Feasts;
 - c. Organized Sporting Events;
 - d. Marriage ceremonies, funerals, and memorial services;
 - e. Meetings open to members of the general public;
 - f. In-person religious, spiritual, or cultural assemblies; and
 - g. In-person group counselling and support group meetings.
- 8. All social gatherings, including social gatherings in private dwellings, shall be restricted to:
 - a. For outdoor gatherings, no greater than twenty-five (25) persons;
 - b. For indoor gatherings in places other than private dwellings, no greater than five (5) persons; and
 - c. For indoor gatherings in private dwellings, no greater than the total number of members of the household normally residing together plus five (5) additional persons who do not reside in the dwelling.
- 9. For greater certainty, a social gathering is any scheduled or informal assembly, and includes:

- a. A party or celebration;
- b. Play groups;
- c. Club meetings;
- d. Meals with individuals who do not reside together; and
- e. Individuals gathering to play or watch sports and games; if social distancing is maintained, players and spectators shall be considered two separate groups.

10. For greater certainty, a social gathering as set out in clause 8 does not include:

- a. Members of a household residing together;
- b. Essential employees and contractors of the organizations listed in clauses 2 (e) and (f) attending at their place of work;
- c. Individuals with no fixed address temporarily residing at the dwelling of a family member;
- d. Individuals entering a building, including a dwelling to perform essential maintenance services;
- e. Religious, Cultural, or Spiritual officiants entering a dwelling or institution to provide religious, cultural, or spiritual care to residents;
- f. Delivery services for food, medicine, and other goods;
- g. Individuals travelling in a motor vehicle provided that the number of passengers does not exceed the number of seats in the vehicle; and
- h. The Member of Parliament for Nunavut, the Senator for Nunavut, or a Member of the Legislative Assembly entering a building, including a dwelling, to conduct official or constituency business.

11. The individuals listed in clauses 10 (d), (e), and (f) shall conduct themselves in a manner that will not expose others to infection or to take other precautions to prevent or limit the direct or indirect transmission of novel coronavirus COVID-19 to others, including wearing appropriate personal protective equipment.

12. Nothing in this Order shall affect parents and their children from exercising their custody and access rights, except:
- a. As ordered by a court of competent jurisdiction; or
 - b. Where parent or the child is subject to a mandatory isolation order.
13. For greater certainty, parents and children exercising their custody and access rights is not a social gathering for the purposes of clause 7 of this Order.
14. Pursuant to subsection 41(1)(f) of the Act, members of the Royal Canadian Mounted Police, municipal by-law enforcement officers, sheriffs appointed pursuant to the *Judicature Act*, the Chief Environmental Protection Officer and Inspectors appointed pursuant to the *Environmental Protection Act*, and Conservation Officers appointed pursuant to the *Wildlife Act* are authorized to implement this order, including entering any premises other than a dwelling without a warrant.
15. Pursuant to subsection 41(4) of the Act, the peace officers listed in paragraph 12 may not enter a dwelling without a warrant unless the occupant or person in charge of the dwelling consents.
16. Failure to comply with this Order may be considered a breach of this Order issued under the Act and may result in penalties under the Act, which may include:
- a. A \$575 fine for individuals; and
 - b. A \$2875 fine for corporations.

This order is effective 9:00 am Eastern Time Monday June 22, 2020 and remains in effect for the duration of the Public Health Emergency, unless otherwise rescinded.



Dr. Michael Patterson
Chief Public Health Officer